



Department of Defense **DIRECTIVE**

August 18, 1995
NUMBER 1350.2

USD(P&R)

SUBJECT: Department of Defense Military Equal Opportunity (**MEO**) Program

References: (a) DoD Directive 1350.2, subject as above, December 23, 1988 (hereby canceled)
(b) DoD Human Goals Charter (signed by the Secretary of Defense, Deputy Secretary of Defense, Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, and Service Chiefs), May 19, 1994¹
(c) Secretary of Defense Memorandum, "Equal Opportunity (**EO**)," March 3, 1994
(d) Secretary of Defense Memorandum, "Prohibition of Sexual Harassment in the Department of Defense (DoD)," August 22, 1994
(e) through (o), see enclosure 1

A. REISSUANCE AND PURPOSE

This Directive:

1. Reissues reference (a).
2. Regulates the Department of Defense MEO program and assigns responsibilities for ensuring DoD-wide compliance with the broad program objectives outlined in references (b), (c), and (d).
3. Provides for education and training in EO and human relations.
4. Prescribes the functions of the Defense Equal Opportunity Council (**DEOC**) and the Defense Equal Opportunity Management Institute (**DEOMI**).
5. Establishes Department-wide standards for discrimination complaint processing and resolution as set forth in the DEOC Task Force on Discrimination and Sexual Harassment Report (reference (e)). The recommendations contained in the DEOC Task Force Report **are** set out in section F.; implementation of this Directive shall be consistent with sections D. and F., below.
6. Provides standard terms and **definitions** pertaining to the **MEO** program.

¹ References (b) through (e) are on **file** in the **Office** of the Deputy **Assistant Secretary** of Defense (Equal Opportunity), Pentagon, Washington, D.C., (703) 697-6381 or DSN 227-6381.

B. APPLICABILITY

This Directive applies to the **Office** of the Secretary of Defense (**OSD**), the Military Departments, the Chain-mmm of the Joint Chiefs of Staff, the Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as “the DoD Components”). The term “Military Services,” as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and the U.S. Coast Guard when it is operating as a Service in the Department of the Navy.

C. DEFINITIONS

Terms used in this Directive are defined in enclosure 2. Service implementing documents shall adopt the terms contained herein and shall define those terms exactly as they are defined in this Directive.

D. POLICY

It is DoD policy to:

1. Support the MEO program as a military and economic necessity, as stated by the Secretary of Defense (reference (c)), and enforce the provisions of this Directive in developing operating **EO** policies and programs at all levels of activity. Toward that end, Component heads are charged with promoting EO and affirmative actions, and for eliminating unlawful discrimination and sexual harassment within the Department.

2. Promote an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible. Service members shall be evaluated only on individual merit, fitness, and capability. Unlawful discrimination against persons or groups based on race, color, religion, sex, or national origin is contrary to good order and discipline and is counterproductive to combat readiness and mission accomplishment. Unlawful discrimination shall not be condoned.

3. Use the chain of command to promote, **support**, and enforce the MEO program. The chain of command is the primary and **preferred** channel for identifying and **correcting** discriminatory practices. This includes the processing and resolving of complaints of **unlawful** discrimination and sexual harassment, and for ensuring that human relations and EO matters are taken seriously and acted upon as necessary. The chain of command is responsible for creating and maintaining a MEO environment that incorporates the policies set out in this Directive.

4. Ensure that the Military Services (to include the Reserve components) establish MEO and affirmative action programs that identify and resolve **EO** problems through formulating, maintaining, and reviewing **affirmative** action plans (**AAPs**) with established objectives and milestones, including accountability in personnel management, consistent with DoD Instruction 1350.3 (reference (f)).

5. Provide periodic, mandatory education and training in EO and human relations at installation and fleet unit commands, during **pre-commissioning** programs and initial entry training, and throughout professional military education (**PME**) systems, as part of the overall effort to achieve EO within the Department of Defense. This training shall be provided to **all** Service members, enlisted and officer, including flag and general officers. The training shall include comprehensive material on leadership roles and responsibilities for EO programs, complaints processing, legal implications, reprisal prevention and detection, climate assessment methodologies, and managing civilian equal employment opportunity (**EEO**) systems.

6. Provide for an environment that is free from unlawful discrimination and sexual harassment. (See items 15 and 16, enclosure 2.)

7. Ensure that all on-base activities and, to the extent of the ability of the Department of Defense, any off-base activities available to military **personnel** are open to **all** military personnel and their family members regardless of race, color, religion, age, physical or mental disability, sex, or national origin, as called for by the DoD Human Goals Charter (reference (b)).

a. Organizations or administering activities that do not meet this requirement shall be denied the use of military facilities and resources in accordance with DoD Directive 5410.18 (reference (g)).

b. Organizations that use on-base facilities, whether on a reimbursable basis or otherwise, must satisfy the responsible area or activity commander that they do not unlawfully discriminate through their membership requirements or in any of their activities.

8. Oppose discrimination in off-base housing directed against DoD personnel and their family members. Each commander shall take actions to overcome such discrimination and to impose off-limits sanctions in housing cases, as required by DoD Instruction 1100.16 (reference (h)).

9. Impose, as required, off-limits sanctions through the cognizant Armed Forces Disciplinary Control Board in cases of discrimination involving places of public accommodation outside military installations.

E. ORGANIZATIONS AND FUNCTIONS

1. There is established a **DEOC**.

a. It shall:

(1) Advise the Secretary of Defense on policies for EO matters.

(2) Coordinate policy and review the military and civilian EO programs.

(3) Monitor progress of program elements.

(4) Assist in developing policy guidance for education and training in EO and human relations for DoD personnel.

(5) Provide oversight and ensure resourcing for the DEOMI.

b. It shall consist of:

(1) The Deputy Secretary of Defense, who shall serve as **Chair**;

(2) The Under **Secretary** of Defense for **Personnel** and Readiness, who shall serve as the Vice-chair;

(3) The Deputy Assistant Secretary of Defense for Equal Opportunity (**DASD(EO)**), who shall serve as the Executive Secretary;

(4) The Under Secretaries of Defense;

(5) The Secretaries of the Military Departments;

(6) The Chairman of the Joint Chiefs of **Staff**;

(7) The General Counsel of the Department of Defense;

(8) The Assistant Secretary of Defense for Force Management Policy (**ASD(FMP)**);

(9) The Assistant Secretary of Defense for Command, Control, Communications and Intelligence; and,

(10) The Director of Administration and Management Office of the Secretary of Defense.

2. There is established a **DEOMI**.

a. The mission of **DEOMI** is to enhance combat and operational readiness through improved leadership by functioning as the DoD center of excellence in all facets of **EO** and human relations education and training to include the following:

(1) Providing primary training for all DoD military and civilian **personnel** assigned to MEO and EEO billets (to include the U.S. Coast Guard), and staff officers who directly manage EO, EEO, and human relations programs. All services provided under this Directive to the Coast Guard, when it is not part of the Department of the Navy, shall comply with applicable laws and regulations, including the Economy Act, as amended(31 **U.S.C.** 1535) (reference (i)).

— -- (2) Performing EO and human relations research in conjunction with the Military Services and acting as a clearing house to monitor and disseminate research findings on EO and human relations.

(3) Providing assistance or consultation services to DoD organizations in developing specific curricula and training for EO and human relations education, and specific training for the PME systems within the Military Services; and serving in an advisory capacity to other Agencies in education, industry, and the private sector, as determined by the **DEOMI** Commandant, consistent with applicable laws and regulations.

(4) Disseminating educational training materials to assist EO advisors and human relations instructors in remaining current in the EO subject area and in otherwise developing professionally.

(5) Performing special research-related projects in support of the DEOC.

(6) Establishing and operating a computer-based networking system to support EO advisors and specialists throughout the Military Services, **and** to link human relations professionals worldwide, that includes lesson plans, research papers, and demographic databases that support program objectives outlined in this Directive.

— (7) Serving as a focal point and depository for data and research on the EO climate and sexual harassment in the Military Services and administering the Military Equal Opportunity Climate Survey program as a by-request service for commanders and organization heads throughout the Department of Defense and the U.S. Coast Guard. **DEOMI** will coordinate with the Services involved before conducting surveys and research involving their members. In this regard, **DEOMI** is authorized to conduct (either directly or working through the Defense Manpower Data Center) periodic random sample EO or human relations surveys of the Services and relevant Service subgroups to determine the status of the EO climate within the Department of Defense.

b. The **DEOMI** shall operate under the supervision, direction, and policy guidance of the **ASD(FMP)**, through the **DASD(EO)**. It shall be located as a tenant on an established military installation, and supported administratively and logistically by the Military Department responsible for that installation.

c. Appointments to **DEOMI** shall require that:

(1) The Commandant shall be selected by the **ASD(FMP)** based upon recommendations from the **DASD(EO)**. This position shall rotate among representatives nominated by the Departments of the **Army**, Navy, and Air Force.

(2) The **ASD(FMP)** shall establish criteria for assigning **officers** and enlisted personnel from the Military Departments, including the U.S. Coast Guard, National Guard, and Reserves,

to faculty and staff positions at **DEOMI**. The minimal criteria for instructional staff assignment to **DEOMI** shall include:

- (a) Successful completion of the **DEOMI EO** staff advisor course.
- (b) Possession of an undergraduate degree, or satisfactory completion of Service Instructor Training School.
- (c) No record of disciplinary action having been taken against the member for 2 years preceding assignment.

F. RESPONSIBILITIES

1. The Under Secretary of Defense for Personnel and Readiness shall:
 - a. Develop overall MEO policy.
 - b. Monitor compliance with this Directive.
 - c. Serve as the Vice-chair of the **DEOC**.
 - d. Ensure that the **ASD(FMP)**:
 - (1) Represents and advises him or her in MEO matters consistent with DoD Directive 5124.2 (reference (j)).
 - (2) Serves as a **member** of the **DEOC**.
 - (3) Exercises authority and direction over the **Office** of the Deputy Assistant Secretary of Defense for Equal Opportunity in developing DoD programs to ensure **EO** for military personnel in the total force.
 - (4) Develops, executes, and monitors the effectiveness of **MEO** policies in support of national security objectives.
 - (5) Ensures that the DoD Components fulfill the requirements of this Directive.
 - (6) Provides supervision, direction, **and** policy guidance to **DEOMI** through the **DASD(EO)** and selects the Commandant of **DEOMI** from Military Service nominations.
 - (7) Establishes reporting categories and monitors specific goals to be included in the **affirmative** action programs and annual MEO assessments of each Military Service under DoD Instruction 1350.3 (reference (f)).

(8) Reviews and refers to the appropriate Military Service all complaints of unlawful discrimination (to include sexual harassment) sent to the Secretary of Defense or the Under Secretary of Defense for Personnel and Readiness (**USD(P&R)**).

(9) Ensures fair, impartial, and timely investigation, resolution, and follow-up, to include feedback to complainants, of all formal complaints of discrimination arising under this Directive at all levels within the Department of Defense, consistent with 5 **U.S.C. 552a**, "The Privacy Act of 1974" (reference (k)), and implementing DoD guidance.

(10) Establishes procedures for recurring annual reviews of DEOMI services and a biennial review of **DEOMI** curricula.

2. The Secretaries of the Military Departments are responsible for EO and for ensuring compliance with this Directive within their respective Services and shall:

a. Ensure that **all** DoD EO policies and programs are understood and executed at all levels of military command and that EO programs and protection extend to Service members who serve in joint duty positions.

b. Require commanders to assess their organizational EO climate, preferably as part of their assumption of command, and schedule follow-up assessments periodically during their command tenure. **Commanders** shall be held accountable for the EO climates **in** their commands. See item 7, enclosure 2.

c. Continuously review and update documents and eliminate practices that unlawfully discriminate against military **personnel** based on race, religion, color, sex, or national origin.

d. Develop policies to prevent unlawful discrimination and sexual harassment, and require that commanders prominently post and enforce them. Personnel should be made aware of the policies and procedures for **filing** a complaint of reprisal under DoD Directive 7050.6 (reference (1)). Violations of the policies set forth in this Directive may constitute violations of specific articles of the Uniform Code of Military Justice (**UCMJ**) (reference (m)).

e. Establish and publish complaint procedures. These procedures shall cover both formal and informal means for resolving complaints and shall include **timelines** for resolution (normally 60 days), feedback, and follow-up mechanisms, as well as examples of prohibited reprisal actions and measures that can be taken to counter these actions. Reserve component timelines should take drilling periods into account. To deal effectively with reprisals in the Reserve components, follow-up on sexual harassment and discrimination cases in the National Guard and Reserves should extend through a period of 1 year following conflict resolution. Ensure that all discrimination complaints are investigated in a fair, impartial, and prompt manner, and that **all** reports of investigation of formal complaints are reviewed for legal sufficiency. Ensure that appropriate disciplinary and corrective actions are taken if unlawful discrimination or reprisal is substantiated.

f. Feed back information about both the status and outcome of the complaint; e.g., who is investigating, projected completion date, and whether the allegations were substantiated. When requested, the complainant should be provided a copy of the investigating officer's **final** report, redacted as necessary to comply with the Privacy Act of 1974 (reference (k)) and other applicable laws and regulations. Information about specific adverse actions taken against an individual is generally not disclosed unless such information is a matter of public record (e.g., court-martial proceedings) or when otherwise **required** to be released by statute.

g. Develop forms for the documentation of each step in the formal complaint process, including **pre-decision** updates and post-decision follow-ups with the complainant consistent with the Privacy Act of 1974 (reference (k)) and implementing DoD guidance. Complaint forms and reporting systems should clearly **identify** the duty status involved in Reserve component cases. Service members should be encouraged to **file** complaints promptly, normally within 60 days of the incident.

h. Provide a central point of contact at the installation level or below, staffed with qualified and trained EO counselors, to receive formal complaints of unlawful discrimination and sexual harassment.

i. Establish **toll-free** or local hot (or advice) lines that provide information on how and where to file complaints and what kinds of behaviors constitute unlawful discrimination and sexual harassment. **Personnel** working these lines shall be fully trained to address National Guard and Reserve component situations in addition to those on active duty.

j. Establish criteria for the appeal of administrative findings of formal complaints of unlawful discrimination and sexual harassment. The sole mechanism for appealing the disposition of an informal complaint shall be to file a formal complaint. The first-level appeal of an administrative finding on a formal complaint should be to an installation-level commander, or, in the case of personnel not assigned to an installation (e.g., on ships), to the first commander in the chain with general court-martial convening authority. Subsequent and **final** appeal procedures should be established within each Service at the level of the Secretary of the Military Department. The appeal procedure should not be an adversarial process, nor does it require personal appearances or hearing rights. The Secretary or other designated official will decide the appeal based on the written record and any written arguments submitted with the appeal. The appeal authority may sustain or overrule the **finding** below or remand the matter for further **fact-finding**.

(1) Both the complainant and the subject(s) of the complaint may appeal administrative findings of discrimination or no discrimination.

(2) To avoid delaying or impeding the prompt and effective resolution of complaints, commanders are not required to withhold appropriate administrative action while an appeal is pending.

(3) This administrative appeal process is not applicable to findings rendered pursuant to command action under the **UCMJ** (reference (m)) (i.e., nonjudicial punishment or **court-martial**). When a commander initiates or has previously initiated action under reference (m), that action shall take precedence over any ongoing or contemplated administrative actions or appeals. In such circumstances, reference (m) appellate processes are the exclusive appellate mechanisms available.

k. Ensure that victims' support programs provide information on services, and assistance in obtaining them. The Services shall ensure that programs for counseling, information, referral, and other assistance are made available to Service members who have experienced unlawful discrimination or sexual harassment.

1. Establish and fill sufficient full-time staff positions and allocate sufficient resources to conduct all EO programs. Qualifications and grades of personnel serving in EO billets shall be specified. EO staff personnel shall be selected for training at **DEOMI** by Service-established criteria and placed upon assignment at a level that enables them to communicate effectively the goals and objectives of the program and to obtain the understanding, support, commitment, **and** involvement of the organization's leaders. The professional development training of EO staff personnel shall include continuing education and training to ensure mastery and competency in the EO field.

m. Ensure that all personnel not assigned to EO billets, but having program-associated responsibilities, such as inspectors general (**IGs**), chaplains, judge advocates, investigating **officers**, and personnel working in victims' assistance and support programs, receive such training as maybe necessary for them to carry out their EO duties. Service-developed training plans for such personnel should be submitted to **DEOMI** for review and comment.

n. Ensure that all military personnel, including command selectees and flag and general officers, receive adequate training in EO, human relations, and prevention of sexual harassment on a recurring basis, and at all levels of **PME**. Service-wide training programs, when not conducted by **DEOMI** personnel, shall be submitted to **DEOMI** for prompt review and comment.

o. Ensure that **all** rating and reviewing **officials** evaluate a member's compliance with DoD and Component directives prohibiting unlawful discrimination and sexual harassment and document serious or repeated deviations from such directives in performance reports.

p. Ensure that Reserve component members' off-duty or non-duty behaviors that affect the military workplace are covered by the unlawful discrimination and sexual harassment prevention programs, emphasizing the principle of "fW-time values - part-time careers." An example of off-duty or non-duty behavior that impacts on the workplace is *quid pro quo* (something for something) sexual harassment. See items 15a &b, enclosure 2.

q. Recognize the unique characteristics of the Reserve components when establishing programs and procedures for processing unlawful discrimination and sexual harassment involving members of the Reserve components, whether as complainants or respondents.

r. Develop management information and reporting systems to determine the progress for each **AAP** goal, consistent with DoD Instruction 1350.3 (reference (f)).

s. Forward a fiscal year report to the **USD(P&R)** outlining their progress in achieving the established MEO objectives of their AAPs. This report shall be due each year on February 1, and is described further in reference (f).

3. The Commanders of the Combatant Commands and Directors of Defense Agencies, under OSD Principal Staff Assistants, and those that report directly to the Secretary or Deputy Secretary of Defense shall be responsible for EO within their respective areas of responsibility and ensure compliance with the policies set forth **in** this Directive. Because such agency heads **generally** do not exercise career management or **UCMJ** authority (reference (m)) over assigned military **personnel**, special consideration must be exercised in meeting DoD EO standards for assigned personnel. At a **minimum**, they shall:

a. Ensure that **all** DoD EO policies and programs are understood and executed throughout the organization, to include:

(1) Establishing an EO program that complies with the guidelines of this Directive **and** reflects the standards, values, and principles of existing Service programs, resources, and counseling services. Commanders and Agency heads should be aware that **some** Service members may only know of, or be comfortable using, their parent Service's complaint system. These individuals should not be denied the benefit of their parent Service's EO and counseling systems if necessary to **ensure** the DoD standards on complaint handling are met for each member.

(2) Appointing an assigned EO advisor who will initiate the administrative processes and prepare initial reports for the commander's or director's review and disposition. Generally, these positions need not be **full-time**, but incumbents should receive **DEOMI-approved** training that enables them to administer a responsive EO program.

(3) Establishing and publishing procedures for appealing the findings of formal complaints of unlawful discrimination and sexual harassment that comply with paragraphs F.2.d. through k., above. Appeal procedures should provide for referral to appropriate general courts martial convening authority. Subsequent and final appeal procedures should end at the level of the respondent's or complainant's Military Department Secretary. To the extent commanders and Agency heads rely on the installation host Service to provide complaint processing, investigation **support**, and counseling or referral services, these relationships should be formally established and published.

b. Ensure that appropriate disciplinary and corrective actions are taken if unlawful discrimination or reprisal is substantiated. If the appropriate administrative or disciplinary sanction is not within the supervising commander's or **director's** authority (e.g., nonjudicial punishment, promotion **removal** actions, or administrative separation actions), refer the case to the offender's installation host Service or Service command element for disposition and action.

4. The Secretaries of the Army and Air Force shall ensure that the Chief, National Guard Bureau, **fulfills** his or her responsibilities for EO within his or her jurisdiction, fully consistent with the broader DoD objectives and 42 U.S.C. 2000d (reference (n)) and shall establish discrimination and sexual harassment complaints procedures that include:

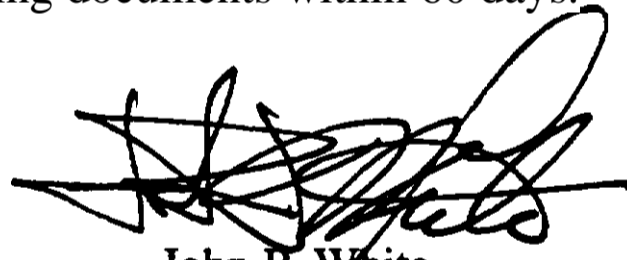
- a. All the provisions of subsection **F.2.d.** through k., above.
- b. Both the Army and Air National Guard.
- c. The provision that the National Guard Bureau maintain final review or decision authority over discrimination complaints within its purview.

G. INFORMATION RETIREMENTS

The information requirement identified in paragraph F.2.s., above, has been assigned Report Control Symbol **DD-P&R(A)** 1760, in accordance with DoD 891 O.1-M (reference (o)). Reporting requirements are contained in enclosure 3 and further amplified in DoD Instruction 1350.3 (reference (f)).

H. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of implementing documents to the Under Secretary of Defense for Personnel and Readiness within 90 days; forward one copy of changes to existing implementing documents within 60 days.



John P. White
Deputy Secretary of Defense

Enclosures -3

- 1. **References**
- 2. Definitions
- 3. MEO Reporting Requirements

REFERENCES. continued

- (e) Defense Equal Opportunity Council Task Force on Discrimination and **Sexual** Harassment Report, May 1995
- (f) DoD Instruction 1350.3, "**Affirmative** Action Planning and Assessment Process," February 29, 1988
- (g) **DoD Directive** 5410.18, "Community **Relations**," July 3, 1974
- (h) DoD Instruction 1100.16, "Equal Opportunity in Off-Base **Housing**," August 14, 1989
- (i) Section 1535 of title 31, United States Code, "The Economy Act" (as amended)
- (j) DoD Directive 5124.2, "Under Secretary of Defense for Personnel and Readiness (**USD(P&R)**)," October 31, 1994
- (k) Section 552a of title 5, United States Code, "The Privacy Act of 1974"
- (l) DoD Directive 7050.6, "Military **Whistleblower** Protection," August 1995
- (m) Chapter 47 of title 10, United States Code, "Uniform Code of Military Justice"
- (n) Section 2000d of title 42, United States Code, "Federally Assisted Programs"
- (o) DoD 8910. 1-M, "DoD Procedures for Management of Information Requirements," November 1986, authorized by DoD Directive 8910.1, June 11, 1993

DEFINITIONS

1. Affirmative Action. Methods used to achieve the objectives of the MEO program. Processes, activities, and systems designed to prevent, identify, and eliminate unlawful discriminatory treatment as it affects the **recruitment**, training, **assignment**, utilization, promotion, and retention of military personnel.
2. Complaint. An allegation of unlawful discrimination based on race, color, national origin, religion, or sex.
 - a. Informal Complaint. Allegation of unlawful discrimination or sexual harassment, made either orally or in writing, that is not submitted as a formal complaint.
 - b. Formal Complaint. Allegation of unlawful discrimination or sexual harassment that is submitted in writing to the authority designated for receipt of such complaints in Service implementing regulations.
3. Complainant. A Service member who submits allegations of unlawful discrimination (as defined in item 16., below).
4. Defense Equal Opportunity Council (DEOC). A senior executive-level decision-making body that provides advice and counsel to the Secretary and Deputy Secretary of Defense on all DoD EO and/or EEO matters.
5. DoD Military Equal Opportunity (MEO) Program. The DoD-wide military program of EO that is accomplished through efforts by the DoD Components. It provides an environment in which Service members are ensured an opportunity to rise to the highest level of responsibility possible in the military profession, dependent only on merit, fitness, and capability.
6. Equal Opportunity (-EO). The right of all persons to participate in, and benefit from, programs and activities for which they are qualified. These programs and activities shall be **free** from social, personal, or institutional barriers that prevent people from rising to the highest level of responsibility possible. Persons shall be evaluated on individual merit, fitness, and capability, regardless of race, color, sex, national origin, or religion.
7. Equal Opportunity (EO) Climate Assessment. Determining the “health” and functioning effectiveness of an organization by examining such factors as morale, teamwork, and communication. This is accomplished through some or all of the following: group and/or individual interviews, observations, surveys or questionnaires, and reviews of records and reports.

8. Ethnic and Racial Categories. The basic racial and ethnic categories for DoD reporting are defined as follows:

a. American Indian or Alaskan Native. A person having origins in the original peoples of North America.

b. Asian or Pacific Islander. A person having origins in any of the original peoples of the Far East, Southeast **Asia**, the Indian subcontinent, or the Pacific Islands. This area includes **China**, India, Japan, **Korea**, the Philippine Islands, and Samoa.

c. Black ('Not of Hispanic Origin). A person having origins in any of the original peoples of Africa.

d. Hispanic. A person having origins in any of the original peoples of Mexico, Puerto Rico, **Cuba**, Central or South **America**, or of other Spanish cultures, regardless of race.

e. White of Hispanic Origin. A person having origins in any of the original peoples of Europe, North **Africa**, or the Middle East.

9. Legal Sufficiency Review. A review of an investigation into a formal complaint of unlawful **discrimination** or sexual harassment to determine **whether**:

a. The investigation complies with all applicable legal and administrative requirements;

b. The investigation adequately addresses the matters complained **of**;

c. The evidence supports the findings of the investigating officer or board;

d. The conclusions and recommendations of the investigating officer or board are consistent with the findings; and,

e. Any errors or irregularities **exist**, and, if so, their legal **effect**, if any.

10. National Origin. An individual's or ancestor's place of origin. Also applies to a person who has the physical, cultural, or linguistic characteristics of a national group.

11. Protected Communication. A **lawful** communication to a Member of Congress, an IG, any member of a DoD **audit**, inspection, investigation or law enforcement organization, or to any other person or organization (including any person or organization in the chain of command) designated pursuant to regulations or other established administrative procedures to receive such communications, to which a member of the Armed Forces makes a complaint or discloses information that he or she reasonably believes evidences a violation of law or regulation (including those covering unlawful discrimination and sexual harassment), mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety (see DoD Directive 7050.6, reference (1)).

12. Race. A division of human beings identified by the possession of traits that are transmissible by descent and that are **sufficient** to characterize persons possessing these traits as a distinctive human genotype.

13. Religion. A personal set or institutionalized system of attitudes, moral or ethical beliefs, and practices that are held with the strength of traditional religious views, characterized by ardor and faith, and generally evidenced through specific religious observances.

14. Reprisal. Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable **personnel** action, or any other act of retaliation, against a Military member for making or preparing a protected communication.

15. Sexual Harassment. A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or

b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" **harassment**, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an expansive term for Military members and may include conduct on or off duty, 24 hours a day.) Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a Military member or civilian employee is engaging in sexual harassment. Similarly, any Military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

16. Unlawful Discrimination. Includes discrimination on the basis of color, national origin, race, religion, or sex that is not otherwise authorized by law or regulation.

MEO REPORTING RETIREMENTS

Each DoD Component shall submit an annual MEO assessment for the period ending September 30 to the **USD(P&R)** no later than February 1 of the following year. The report shall include the following information:

A. An executive summary, providing an overall assessment of each DoD Component's AAPs and EO **Programs**.

B. An assessment of each affirmative action in the following 10 categories shall be made an enclosure to the report. The assessment in each category should include quantitative data in the basic race and/or ethnic classifications for officers and enlisted personnel broken down by sex.

1. Recruiting and/or Accessions.
2. Composition.
3. Promotions.
4. Pm.
5. Separations.
6. Augmentation and/or Retention.
7. Assignments.
8. Discrimination and/or Sexual Harassment Complaints.
9. Utilization of Skills.
10. Discipline.

C. Requirements are further explained in DoD Instruction 1350.3 (reference (f)).